

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEVE COHN, et al.,

Plaintiffs,

v.

DAIRYLAND AMERICAN  
INSURANCE COMPANY,

Defendant.

CASE NO. C21-1464JLR

SHOW CAUSE ORDER

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and a copy of the plaintiff's complaint and sets forth the specific requirements for doing so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service must be effectuated, states in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

*Id.*

1 Here, Plaintiffs Steve Cohn and Laura Scheyer (collectively, “Plaintiffs”) appear  
2 to have failed to serve Defendant Dairyland American Insurance Company (“Dairyland”)  
3 with a summons and a copy of Plaintiffs’ complaint within the timeframe provided in  
4 Rule 4(m). (*See generally* Dkt.) The court understands that Plaintiffs provided a copy of  
5 the summons and complaint to the Washington Insurance Commissioner (the  
6 “Commissioner”) for the Commissioner to effect service on Dairyland pursuant to RCW  
7 48.05.215, and that the Commissioner accepted those documents. (*See* Cert. (Dkt. # 5);  
8 Affidavit (Dkt. # 6).) While the court is also aware that the Commissioner was  
9 unsuccessful in their first attempt to serve Dairyland in December 2021 (*see* Affidavit), it  
10 is unclear whether Dairyland has been served at this point (*see generally* Dkt.).

11 Accordingly, the court ORDERS Plaintiffs to SHOW CAUSE within fifteen (15)  
12 days of the date of this order why this action should not be dismissed for failure to  
13 comply with Rule 4(m). Alternatively, Plaintiffs may respond with proof that Dairyland  
14 has in fact been served. If Plaintiffs do not demonstrate good cause for the failure to  
15 comply with Rule 4(m), the court will dismiss the action without prejudice.

16 Dated this 23rd day of February, 2022.

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19 JAMES L. ROBART  
20 United States District Judge  
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